

**No. 49431**

---

**Netherlands (for the European part of the Netherlands)  
and  
India**

**Agreement on Social Security between the Kingdom of the Netherlands and the Republic of India (with administrative arrangement). New Delhi, 22 October 2009**

**Entry into force:** *1 December 2011, in accordance with article 21*

**Authentic text:** *English*

**Registration with the Secretariat of the United Nations:** *Netherlands, 1 March 2012*

---

**Pays-Bas (pour la partie européenne des Pays-Bas)  
et  
Inde**

**Accord de sécurité sociale entre le Royaume des Pays-Bas et la République de l'Inde (avec arrangement administratif). New Delhi, 22 octobre 2009**

**Entrée en vigueur :** *1<sup>er</sup> décembre 2011, conformément à l'article 21*

**Texte authentique :** *anglais*

**Enregistrement auprès du Secrétariat des Nations Unies :** *Pays-Bas, 1<sup>er</sup> mars 2012*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

**Agreement on Social Security between the Kingdom of the  
Netherlands and the Republic of India**

The Kingdom of the Netherlands

and

The Republic of India

(hereinafter referred to as “the Contracting States”),

Being desirous of regulating the relationship between the two countries in the field of social security; and

Wishing to establish the Agreement on the basis of reciprocity;

prevent double coverage and to avoid non-coverage under the social security systems of both countries for persons moving between or working in their respective territories;

provide for portability of social security benefits;

guarantee equality of treatment of nationals of one Contracting State to nationals of the other Contracting State under the respective laws of both countries; and

regulate the co-operation between the two Contracting States to ensure the enforcement of one country’s legislation in the other,

Have agreed as follows:

PART 1

GENERAL PROVISIONS

Article 1

*Definitions*

1. For the purpose of this Agreement, the following definitions apply,
  - a) "India" means the Republic of India, and  
"the Netherlands" means the Kingdom of the Netherlands;
  - b) "Territory" means,
    - (i) in relation to India, the territory of the Republic of India, and
    - (ii) in relation to the Netherlands, the territory of the Kingdom of the Netherlands in Europe;
  - c) "National" means,
    - (i) in relation to India, a person of Indian nationality, and
    - (ii) in relation to the Netherlands, a person of the Netherlands' nationality;
  - d) "Competent authority" means,
    - (i) in relation to India, the Minister of Overseas Indian Affairs, and
    - (ii) in relation to the Netherlands, the Minister of Social Affairs and Employment;
  - e) "Competent institution" means,
    - (i) in relation to India, the institution charged with the implementation of the legislation specified in Article 2, paragraph 1 a), and
    - (ii) in relation to the Netherlands, the institution charged with the implementation of the legislation specified in Article 2, paragraph 1 b);
  - f) "Legislation" means the laws and regulations specified in Article 2;
  - g) "Employee" means a person who is employed by an employer as well as any person who is deemed equivalent to an employed person by the applicable legislation;
  - h) "Benefit" means any pension or benefit in cash, including any supplements or increases applicable under the legislation specified in Article 2;
  - i) "Member of the family" means any person defined or recognized as such by the applicable legislation;
  - j) "Residence" means residence defined or recognised as such by the applicable legislation.

2. Any term not defined in paragraph 1 of this Article shall have the meaning assigned to it in the applicable legislation.

## Article 2

### *Material Scope*

This Agreement shall apply,

- a) as regards India, to all legislations concerning:
  - (i) old age and survivors' pension for employed persons;
  - (ii) the permanent total disability pension for employed persons;and, as regards Part II only, to the legislation concerning:
  - (iii) the social security for employed persons.and
- b) as regards the Netherlands, to the legislation on social insurance concerning:
  - (i) old age;
  - (ii) disablement;
  - (iii) survivors;and as regards to Part II, in addition to the legislation on social insurance concerning:
  - (iv) sickness (including the scheme concerning the liability of the employer and benefit in kind);
  - (v) maternity;
  - (vi) unemployment;
  - (vii) children's allowances.

## Article 3

### *Personal Scope*

Unless otherwise specified, this Agreement shall apply to all persons who are or have been subject to the legislation of either of the Contracting States, and other persons who derive rights from such persons.

## Article 4

### *Equal Treatment*

Unless otherwise provided in this Agreement, the persons specified in Article 3, who ordinarily reside in the territory of a Contracting State, shall receive equal treatment with nationals of that Contracting State in the application of the legislation of that Contracting State.

## Article 5

### *Payments of Benefits Abroad*

1. Unless otherwise provided in this Agreement, a Contracting State shall not reduce or modify benefits acquired under its legislation solely on the ground that the beneficiary stays or resides in the territory of the other Contracting State.

2. Paragraph 1 does not apply to the Netherlands' legislation concerning the Supplementary Benefits Act of 6<sup>th</sup> November, 1986, and the Disablement Assistance Act for Handicapped Young Persons of 24 April, 1997.

3. Benefits payable under the legislation of a Contracting State shall be payable to nationals of the other Contracting State, residing or staying in the territory of a third State, on the same conditions and to the same extent as to nationals of the first Contracting State who reside or stay in the territory of a third State.

## PART II

### DETERMINATION OF THE APPLICABLE LEGISLATION

## Article 6

### *General Provisions*

Unless otherwise provided in this Agreement:

a) a person who works as an employee or a self-employed person in the territory of a Contracting State shall, with respect to that employment or self-employment, be subject only to the legislation of that Contracting State;

b) a person, not being a seafarer, who is a member of the travelling or flying personnel of an enterprise which, for hire or reward or on its own account, operates international transport services for passengers or goods and has a registered office in the territory of a Contracting State shall be subject to the legislation of that Contracting State;

c) as regards seafarers, cases of double coverage or non-coverage shall be resolved through consultations between the competent authorities of the Contracting States.